

SUPPORTING STATEMENT

A. Justification:

1. The terrain shielding policy requires low power television respondents to submit either a detailed terrain study, or to submit letters of assent from all potentially affected parties and graphic depiction of the terrain when intervening terrain prevents a low power television applicant from interfering with other low power television or full-power television stations.

The Commission is requesting an extension of this information collection in order to receive the full three year OMB approval/clearance for this collection.

This information collection does not affect individuals or households; thus, there are no impacts under the Privacy Act.

Statutory authority for this collection of information is contained in Sections 154(i) and 303 of the Communications Act of 1934, as amended.

2. The data is used by FCC staff to determine if adequate interference protection can be provided by terrain shielding and if a waiver of 47 CFR Sections 74.705 and 74.707 of the Rules is warranted.

3. This is a request for a waiver of FCC rule. We do not believe the use of information technology is feasible in this situation.

4. No other agency imposes a similar information collection on the respondents. There is no similar data available.

5. In conformance with the Paperwork Reduction Act of 1995, the Commission is making an effort to minimize the burden on all respondents. Therefore, this information collection will not have a significant economic impact on a substantial number of small entities/businesses.

6. The frequency for this collection of information is determined by respondents, as necessary.

7. This collection of information is consistent with the guidelines in 5 CFR 1320.5(d)(2).

8. The Commission published a Notice (74 FR 41904) in the *Federal Register* on August 19, 2009. No comments were generated as a result of the Notice.

9. No payment or gift was provided to respondents.

10. There is no need for confidentiality with this collection of information.

11. This collection of information does not address any private matters of a sensitive nature.

12. We estimate that 50 waiver requests involving terrain shielding will be filed and processed. The average burden on respondent is 1 hour per request. This estimate is based on FCC staff's knowledge and familiarity with the availability of the data required.

Total Number of Respondents: 50 Low Power TV Stations

Total Number of Responses: 50 Waiver Requests

Total Annual Burden Hours: 50 waiver requests x 1 hour = 50 hours

Annual "In-House Cost": We estimate that the licensee/permittee would spend approximately one hour in consultation with an outside engineer. We estimate that the licensee/permittee would have an average salary of \$100,000/year (\$48.08/hour).

$$50 \text{ waiver requests} \times 1 \text{ hour/request} \times \$48.08/\text{hour} = \mathbf{\$2,404.00}$$

13. **Annual Cost Burden:** We assume that the licensee/permittee would contract with a consulting engineer to prepare the waiver request. This consulting engineer is estimated to have an average salary of \$150/hour and it is also estimated it will take the engineer nine hours to complete the waivers.

$$50 \text{ waiver requests} \times 9 \text{ hours/request} \times \$150/\text{hour} = \mathbf{\$67,500}$$

14. **Cost to the Federal Government:** The Commission will use professional staff at the GS-13, step 5 level (\$47.21/hour) and paraprofessional staff at the GS-11, step 5 level (\$33.21/hour) to process these waiver requests.

$$\begin{aligned} 50 \text{ requests} \times 6 \text{ hours} \times \$47.21 &= \$14,163.00 \\ 50 \text{ requests} \times 6 \text{ hours} \times \$33.21 &= \underline{9,963.00} \\ &= \mathbf{\$24,126.00} \end{aligned}$$

Total Cost to the Federal Government = \$24,126.00

15. There are no program changes or adjustments to this information collection.

16. The data will not be published.

17. OMB approval of the expiration of the information collection will be displayed at 47 CFR Section 0.408.

18. There are no other exceptions to the Certification Statement.

B. Collections of Information Employing Statistical Methods:

OMB Control Number: 3060-0414
Title: Terrain Shielding Policy

October 2009

No statistical methods are employed.